

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHEASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	Criminal No. 3:08-cr-106
Plaintiff,)	
)	<u>NOTICE REGARDING PRIOR</u>
-vs-)	<u>CONVICTION FOR ENHANCED</u>
)	<u>SENTENCE PURSUANT TO 21 U.S.C.</u>
JASON STEVEN MOE,)	<u>§ 851(a)(1)</u>
)	
Defendant.)	

The United States of America, by Drew H. Wrigley, United States Attorney for the District of North Dakota, and Brett M. Shasky, Assistant United States Attorney, pursuant to Title 21, United States Code, Section 851(a), hereby provides notice of a previous conviction that the United States will rely upon at sentencing to enhance the minimum mandatory sentences applicable under Title 21, United States Code, Section 841(b)(1), if the defendant is convicted or pleads guilty.

Attached and incorporated into this Notice are certified copies of documents relating to the prior conviction of Jason Steven Moe, for a felony drug offense as defined in Title 21, United States Code, Section 802(44).

The prior conviction is:

Controlled Substance Crime in the 1st Degree-Possession, Criminal No. 02068153, in District Court, State of Minnesota, County of Hennepin, a Felony under Minnesota law; said Criminal Judgment and Warrant of Commitment was entered May 13, 2003. (Exhibit 1)

In the Indictment, the defendant is alleged to have knowingly and intentionally combined, conspired, confederated, and agreed together with others, both known and unknown to the grand jury, to possess with intent to distribute and distribute in excess of 500 grams of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1), 846, and Title 18, United States Code, Section 2.

Pursuant to Section 841(b)(1)(A), if convicted of this charge, the defendant faces a mandatory sentence. The statute further reads:

If any person commits such a violation after a prior conviction for a felony drug offense has become final, such person shall be sentenced to a term of imprisonment which may not be less than 20 years and not more than life imprisonment and . . . a fine not to exceed the greater of twice that authorized in accordance with the provisions of Title 18, or \$8,000,000 if the defendant is an individual

Therefore, the United States respectfully submits that upon conviction of the charge contained in the Indictment, defendant Jason Steven Moe is subject to the

mandatory penalty of imprisonment which may not be less than 20 years and not more than life and a fine of \$8,000,000 pursuant to 21 U.S.C. § 841(b)(1)(A)(viii).

Dated this 15th day of October, 2008.

DREW H. WRIGLEY
United States Attorney

By: /s/
BRETT M. SHASKY
Assistant United States Attorney
Quentin N. Burdick United States Courthouse
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Attorney for United States

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

UNITED STATES OF AMERICA,)	
)	Criminal No. 3:08-cr-106
Plaintiff,)	
)	<u>CERTIFICATE OF SERVICE</u>
-vs-)	
)	
JASON STEVEN MOE,)	
)	
Defendant.)	

I hereby certify that on October 15, 2008, the following documents:

**Notice Regarding Prior Convictions for Enhanced Sentence
Pursuant to 21 U.S.C. § 851(a)(1)**

was filed electronically with the Clerk of Court through ECF, and that ECF will send a Notice of Electronic Filing (NEF) to the following:

Mr. Christopher Lancaster

Dated: October 15, 2008

/s/
ANGEL PEDERSEN
Office of United States Attorney